

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LUIS ROMAN,
Petitioner,

FILED

CIVIL ACTION

v.

APR 2 2009

JOSEPH NISH, et al.,
Respondents.

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

NO. 08-3351

ORDER

AND NOW, this 24th day of April, 2009, upon careful and independent consideration of the petition for a writ of habeas corpus and the response thereto, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **DISMISSED WITH PREJUDICE**;
3. A certificate of appealability **SHALL NOT** issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right or demonstrated that a reasonable jurist would debate the correctness of this ruling. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and
4. The Clerk of this Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:


MARY A. MCLAUGHLIN, J.